

Attorney Docket No. 10019358-1; Ser. No. 10/628,946

RESTRICTION REQUIREMENT

Applicants affirm that the following six groups identified by the Examiner are patentably distinct:

Group I, a fabrication method for a MEMS-based fuel cell (claims 1 – 35);

Group II, a fabrication method for a MEMS-based fuel cell (claims 36 – 41);

Group III, a MEMS-based fuel cell (claims 42 – 49);

Group IV, a manifold for a fuel cell (claims 50 – 55);

Group V, a fuel cell using a fuel and an oxidant (claims 56 – 61); and

Group VI, a method of using a manifold in a MEMS-based fuel cell (claims 62 – 64).

Applicants have provisionally elected the invention of claim 1 with traverse. Reasons for the traverse include the fact that the six groups are not independent, as the fabrication methods of Groups I and II are specially adapted to make the devices of Groups III, IV, and V, and the devices of Groups III, IV, and V are specially adapted to use the method of Group VI. Furthermore, examination of these groups together would not cause an undue burden of examination because all six of the groups have in common at least the integral manifold(s) for the fuel and/or oxidant, which would have to be searched for each of the six groups. The methods of Groups I and II are classified in the same class and subclass (29/623.1). The devices of Groups III and V are classified in the same class and subclass (429/88). Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

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Examination of the application is also respectfully requested.

Respectfully submitted,
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